

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GREGORY A. BEADLES,

Plaintiff,

vs.

RECONTRUST COMPANY, N.A., et al.,

Defendants.

NO. CV-12-00378-JLQ

SCHEDULING ORDER

A telephonic scheduling conference was held in the above-entitled matter on August 2, 2012. John Long participated on behalf of the Plaintiff. John S. Devlin, III appeared on behalf of the Defendants. The following Order is intended to memorialize and supplement the oral rulings of the Court. Accordingly,

IT IS HEREBY ORDERED:

1. Rule 26 provisions regarding discovery, including the initial disclosure requirements, shall apply in this matter to include all ongoing discovery, subject to the dates specified in this Order. Counsel are reminded that the court views Rule 26 liberally and the parties have an obligation to disclose the good and the bad and observe an 'open file' policy with the exception of privileged materials. Violations of Rule 26 and the spirit of open discovery will result in the imposition of appropriate sanctions, including, but not limited to, the preclusion of the introduction of evidence not timely disclosed. Counsel shall promptly commence disclosure and shall promptly proceed with the Rule 26(a) initial disclosures.

2. This action was removed to this court on June 4, 2012, yet only Defendant American Mortgage Network (now dismissed) filed an Answer or other responsive

1 pleading. The other Defendants shall file an Answer or other responsive pleading by **no**
2 **later than August 13, 2012.**

3 3. A motion to amend pleadings or add named parties shall be filed and served no
4 later than **August 23, 2012.**

5 4. Plaintiff shall serve his Rule 26(a)(2) expert reports on or before **December 10,**
6 **2012.** Defendants shall serve their Rule 26(a)(2) expert reports on or before **January 10,**
7 **2013.**

8 5. Plaintiff shall file and serve his final list of trial witnesses on or before **January**
9 **2, 2013.** The Defendants shall file and serve their final list of trial witness on or before
10 **January 18, 2013.** These lists shall contain the name, address and a summary of each
11 witness's direct and foreseeable rebuttal testimony. Only listed witnesses may testify.
12 These lists shall not be supplemented without leave of court to prevent manifest injustice.
13 The party and/or attorney listing a witness who is not called to testify shall pay the
14 discovery costs on the uncalled witnesses, including attorney fees, subject to review by
15 the court to prevent a manifest injustice.

16 6. All discovery shall be completed on or before **March 1, 2013.** Interrogatories,
17 requests for admission/production, etc. must be served sufficiently early that all responses
18 are due before the discovery deadline. Any motion to compel discovery shall be filed,
19 served and heard on or before the discovery deadline.

20 7. All dispositive motions shall be filed and served on or before **March 15, 2013.**
21 Response and reply briefing shall be filed and served in accordance with Local Rule 7.1.
22 Oral argument, if requested, shall be scheduled by contacting the court's Judicial
23 Assistant, Lee Ann Mauk, at 509-458-5280.

24 8. **The parties shall file no further discovery except those portions necessary**
25 **to support motions.**

26 9. Exhibit lists shall be filed and served and exhibits made available for inspection
27 (or copies provided) on or before **April 1, 2013.** The exhibits shall not be filed.
28 Objections to exhibits shall be filed and served on or before **April 27, 2013,** and shall be

1 heard at trial. All exhibits shall be pre-marked: Plaintiff shall use numbers 1-499;
2 Defendants shall use numbers 500-*et seq.*

3 10. Designation of substantive, as opposed to impeachment, deposition testimony
4 of witnesses who will be unavailable to give live testimony at trial, shall be by
5 highlighting in blue and served, **not filed**, on or before **April 1, 2013**. Cross-
6 designations by highlighting in yellow shall be served, **not filed**, on or before **April 10,**
7 **2013**. Objections to any designated deposition testimony shall be **filed and served** on or
8 before **April 23, 2013**, and shall be heard at trial.

9 11. Trial briefs and an Agreed Pretrial Order shall be filed and served on or before
10 **May 17, 2013**. If the parties are unable to agree on the Pretrial Order, each party shall
11 serve and file their own proposed Pretrial Order.

12 12. The pretrial conference will be held in Spokane, Washington, on **May 24,**
13 **2013** at 10:00 a.m. If an agreed pretrial order has been lodged, counsel need not appear
14 at the pretrial conference.

15 13. The bench trial shall commence at **9:00 a.m. on June 3, 2013**, in Spokane,
16 Washington. No jury demand was filed as of the Scheduling Conference and all parties
17 agreed that this matter is one to be tried to the court, rather than to a jury.

18 14. The dates set by the court herein were set after consultation with counsel and
19 with counsel's agreement. Scheduled dates will not be changed except after the granting
20 of a motion to prevent manifest injustice since a change in one date will often impact
21 other dates set herein and a change in any pretrial or trial date adversely affects the court's
22 prior scheduling of other trials.

23 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and
24 furnish copies to counsel.

25 **DATED** this 2nd day of August, 2012.

26 s/ Justin L. Ouackenbush
27 JUSTIN L. QUACKENBUSH
28 SENIOR UNITED STATES DISTRICT JUDGE